Dear Js, WG Conspiracy trial testimony 11/12/74

At long last I have cleaned up the accumulated clippings. This does not mean I read them all or that I read with care those I did read. Time did not permit and the feeling of deja-vu made the task intolerable.

Before I proceed to other work in the morning, because I assume that you read these reports with more care and with time after each to consider each a bit, I ask your opinion of my impression. Really impressions, because this trial seems to me to be the third time outside my own work I've gone over rehashes.

My impression is that the trial is largely a repeat of the Ervin committee hearing. By this I mean also practically nothing of significance added. The Hunt testimony forced his memo to Bittman out but that adds drama, not fact anyway.

The Ervin committee added little to what those with special interests leaked to the papers. There is, in fact, in the papers, in the form of verbatim transcripts that the Ervin commitee later physically expunged from its printed record. Or, the papers prior to the hearings contained information on the so-called Huston plan that was masked in the facsimile reproduction of these papers (if you dod not make the check, it is true). Aside from what it kept secret in its filed, some of what I obtained and had stolen, the committee made a very long record of the unnew. Exceptions are such unexpecteds as Butterfield The Dubable and those executive sessions printed without hearings and largely ignored in the press. The committee's main accomplishment was dual. It presented the sordid tale on nationwide TV, giving the illusion of conducting a real investigation. And it carefully contained all of significance that was not already essentially public knowledge.

Before this there were the leaks. Mostly but not entirely to the WxPost. Here I have two points in particular on which I solicit your opinion(s). First, that the essence of the factual content of the Ervin committee hearings save as noted was already public before the committee siezed the tube and the national imagination. And second that those who did the leaking accomplished their own purposes thereby.

These purposes include protecting themselves, directing (and limiting) the public attention and thus the "investigations" and limiting the scope of all inquiry.

As of tonight the prosecution's case is not complete. I'll be quite surprised if it makes a major change in this summary of impressions necessary. The defense, of course, has not put on its cases.

My reading has not been close enough to form a firm opinion, but I have the impression that while in a conspiracy case one would expect the defendants to stick together because what is admissable against one is admissable against all, I have the impression that they are not pulling together, that there is rivalry and animosity.

(My own work noted this as fact with Ehrlichman about the first of the year and earlier as a probability because of his apparent character and the fact that he knew nothing of the automatic taping and therefore could assume he had been set up.)

As I think of major incongruities they are few. One that seems conspicuous is that Bebe Rebozo'd Miami lawyer, Frates, is the vigorous lawyer for Ehrlichman and both go after Nixon with some vigor. One would not expect this of Bebe's lawyer.

This is a brief summary when I'm pretty tired and haven't put it together but if you have disagreement or comment or addition I'd welcome it. I hope to get to concluding the draft soon.

Thanks and best,